(Spl. - H.C.A.S. C.D., 78-e)

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF BOMBAY AT GOA

PANAJI – GOA

APPELLATE SIDE

MISC CIVIL APPLICATION NO. 872 OF 2004 IN
FIRST APPEAL NO. 199 OF 2003

Office Notes, Office Memoranda of Quorum appearances, Court's orders, or directions and Registrar's orders.	Court's or Judge's Orders.

Mr. A.F. Diniz, Advocate for the applicant.

Ms. Winnie Coutinho, Govt. Advocate for the respondents.

CORAM : B.H. MARLAPALLE &
N.A. BRITTO, JJ.

DATE : 24th November, 2004.

P.C.

Heard Mr. Diniz, the learned Counsel for the applicants and Ms. Coutinho, holding for Mr. S.R. Rivonkar, learned Government Advocate for the respondents.

2. This is an application filed under Order 41, Rule 27 of the Civil Procedure Code for bringing the additional evidence on record i.e. the Award passed by the Land Acquisition Officer on 20.5.1993 in case No. 2-20-91/LAND relating to the Notification under Section 4 of the

Land Acquisition Act, dated 8.2.1991.

3. By filling an affidavit-in-reply, the Dy. Collector has opposed the application.

4. The applicant contends that the land covered by the Award, now sought to be brought on record is located at about 50 metres from the Kadamba Bus Stand and very close to the applicant's land and, therefore, notwithstanding the issue of comparable sale instances, this Award itself supports the claimant's case for enhancement of compensation. We, therefore, deem it appropriate to allow this application.

5. Hence, the application is allowed and the Award in case No.2-20-91/LAND is taken on record.

B.H. MARLAPALLE, J.

N.A. BRITTO, J.

ssm.